

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2078.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	December 17, 2003
DATE OF REPORT:	January 13, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 2, 2004

**COMPLAINT ISSUES:**

Whether the Gary Community Schools violated:

511 IAC 7-27-7(d) by continuing to implement the student's individualized education program (IEP) for a period of more than twelve months.

**FINDINGS OF FACT:**

1. The Student is fourteen years old and is eligible for special education and related services due to an autism spectrum disorder and a communication disorder.
2. The Student's case conference committee (CCC) met on October 7, 2002, when the Student attended a middle school. The CCC developed an individualized education program (IEP) with a duration date of October 7, 2003.
3. At the beginning of the 2003-2004 school year, the Student began attending high school ("School"). The School did not convene the Student's CCC on or before October 7, 2003.
4. The School acknowledges that, from and after October 8, 2003, the School continued to provide certain special education services (instruction in a special education classroom), although there was no IEP in effect. The School further acknowledges that the School did not provide speech/language services required by the IEP, both before and after October 8, 2003.
5. At the request of the Student's parent, the CCC met on December 9, 2003. As full agreement was not reached, the CCC continued the meeting on December 16, 2003. Agreement was not reached regarding speech/language services. An independent speech-language evaluation (IEE) has been arranged, but not yet conducted because the evaluator has a waiting list. The CCC met again on January 7, 2004, and reached agreement on the IEP that will be in effect until the CCC reconvenes following completion of the IEE. The School also offered compensatory services for the speech/language services not provided.
6. The Special Education Department established a tracking/reporting system (IEP/ACR Report) to assist schools in maintaining compliance. The monthly IEP/ACR Report includes the date of the IEP and the last annual case review CCC meeting for each student with a disability. In spite of this system, the School failed to convene the Student's CCC on time. The School's preliminary review of records

indicates that the same non-compliance occurred with respect to other students with disabilities at the School.

## **CONCLUSIONS:**

Findings of Fact #2, #3, and #4 indicate that the School failed to convene a timely CCC meeting to develop, review, or revise the Student's IEP. Finding of Fact #6 indicates that the Student's situation was not an isolated case. Therefore, violations of 511 IAC 7-27-7(d) occurred. However, Finding of Fact #5 indicates corrective action has been taken with respect to the Student.

## **CORRECTIVE ACTION:**

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

Gary Community Schools shall direct the School to take the following actions:

1. By January 23, 2004, bring the School's IEP/ACR Report up to date by cross-checking the IEP/ACR Report with the IEP of each student with a disability attending the School.
2. By January 30, 2004, prepare a complete list of all students for whom the date of the last ACR was twelve months ago or more and any additional students who do not have a current IEP because the duration date has passed.
3. By February 6, 2004, telephone or otherwise contact parents of those students, to arrange CCC meetings at mutually agreed upon dates/times during the month of February, 2004. If necessary, make telephone calls in the evenings and make home visits, to arrange the dates/times of CCC meetings.
4. By February 27, 2004, complete all overdue CCC meetings.
5. On each of the dates listed above, prepare a memorandum detailing activities taken to carry out the responsibilities listed above, and submit the weekly memoranda to the local director of special education.

Documentation of compliance, including the School's weekly memoranda, shall be submitted to the Indiana Department of Education, Division of Exceptional Learners on March 1, 2004.